

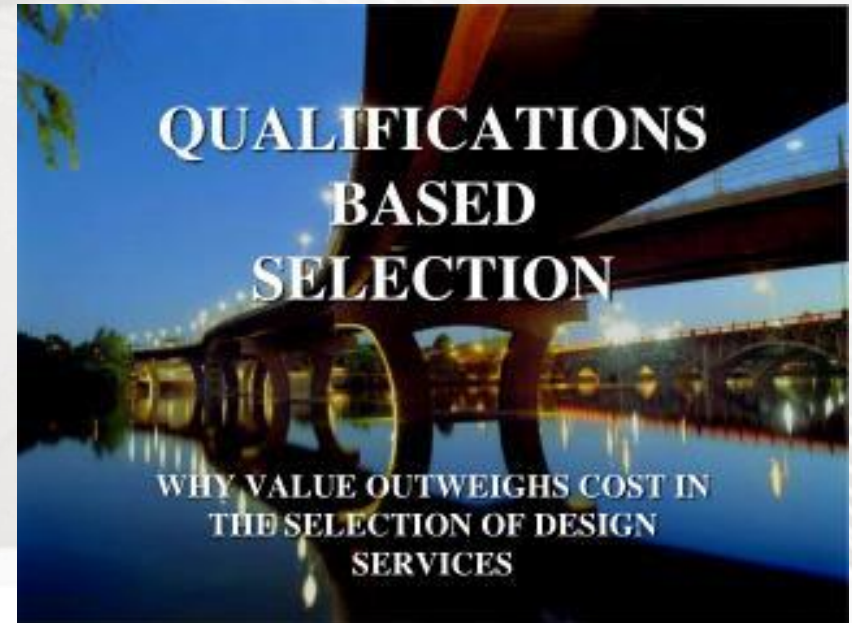
Consultant Selection



Two Steps:

**1) Qualification
Based Selection**

2) Scope and Fee



Sections #13 & #14



Prior to Beginning

QBS

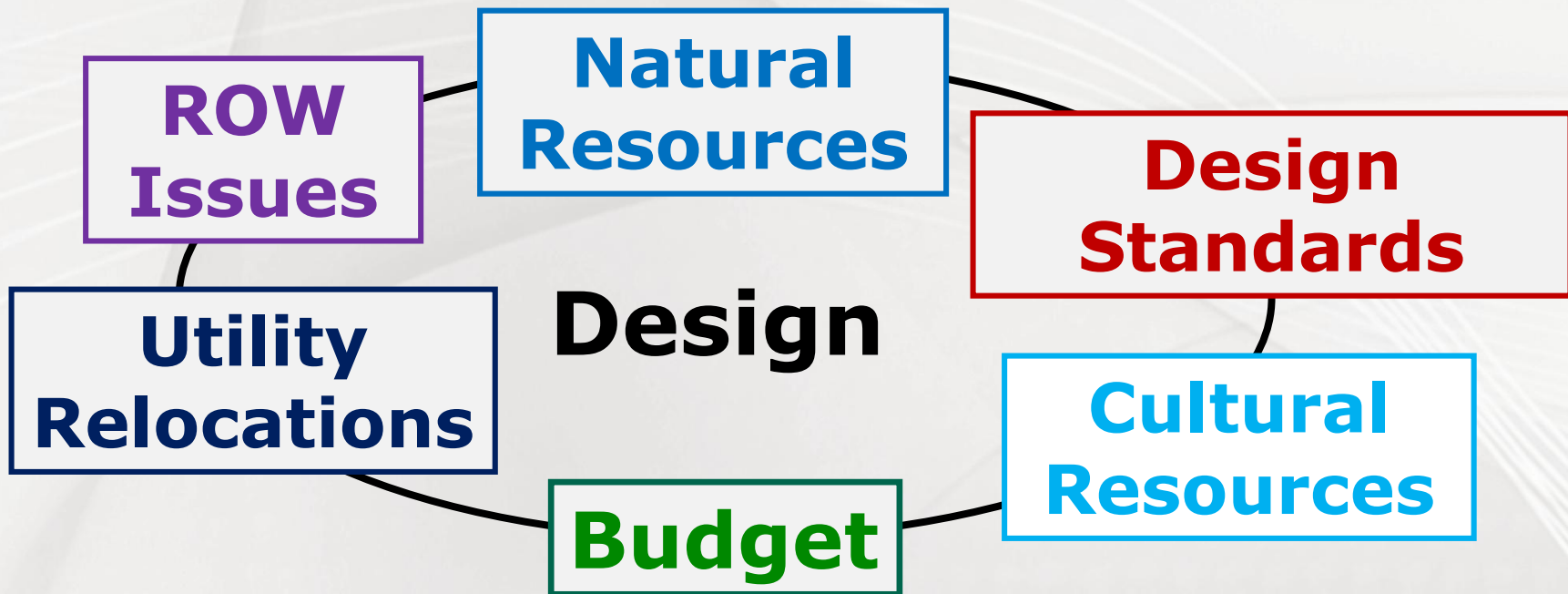
- LPA Project Agreement executed ✓
- “**Received Authorization to Start**”
QBS Process from NHDOT ✓

or “RATS” work is ineligible!!



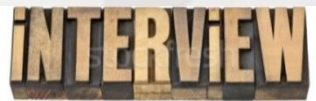
QBS

Designing a project is complex



You need a qualified consultant

Section #13



5 QBS Steps

- 1) Know the rules
- 2) Advertise RFQ – Request for Qualifications
- 3) Review and rank SOQ's (Statements of Qualifications)
- 4) Interview 3 to 5 firms (optional)
- 5) Document QBS process and request NHDOT approval

Section #13



Step #1 - Know the Rules

QBS is required by law:

- Title 40 US Code, Chapter 10, Subchapter VI "Brooks Act"
- 23 Code of Federal Regulations Part 172 – "Administration of Engineering and Design Related Services Contracts"
- NH Statute (Revised Statutes Annotated) 21-1:22, "Selection of Engineers, Architects, and Surveyors"



Section #13



Know the Rules

Qualifications - Not Money

- Selections must be based on **qualifications for the specific project**
- **Fee shall not** be discussed until the next phase (Scope and Fee)





Know the Rules

Consultant Selected by Sponsor

- Must have a **professional engineering or architectural license** in the State of New Hampshire
- Must be **certified** to work on LPA projects
- Must **demonstrate experience** in discipline required (bridge design, roadway design, trail design, etc...)



Know the Rules

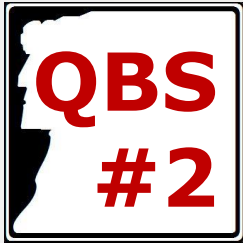
Alternate QBS Processes

1) IDIQ – Indefinite Delivery Indefinite Quantity Contract

(Firm already retained for broader services and previously hired by QBS)

2) Force Account – LPA staff qualified to perform engineering, architectural or survey services

Case by Case - See LPA Manual and NHDOT Project Manager



Step #2 - Advertise the RFQ

RFQ – Request for Qualifications

- Shall clearly describe scope of services
- Can be based on funding application
- Can be reviewed by NHDOT (optional)
- Can include qualifying for both **PE** and **Construction** Services

See LPA Manual Appendix #8 for example forms (also nhqbs.org)

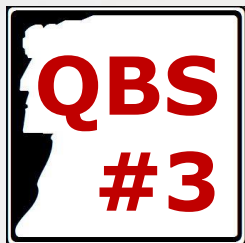




Advertise the RFQ

Advertisement

- Required: Place Ad in paper with wide distribution (Regional or State),
- May also use Trade publications and Websites
- May also send RFQ directly to known qualified firms
- **Cannot limit consultants based on previous local experience or location of office**



Step #3 - Review and Rank

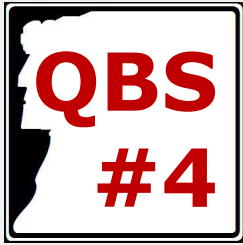
SOQ's

Process

- Develop ranking criteria prior to review
- Review Statements of Qualifications (SOQ's) from consultants
- Check references
- Rank at least 3 SOQ's (State Law)

See LPA Manual Appendix #8 for sample forms





Step #4 - Conduct Interviews

Optional but highly recommended

- Interview ranking system must be predetermined
- Send evaluation criteria / characteristics to firms ahead of time
- Ask the same questions of each firm



See LPA Manual Appendix #8 for
example forms

Section #13



Step #5 - Document and Submit Request

- Document the Process
 - RFQ & Advertisement
 - SOQ's & Ranking, and
 - Optional Interview Process
- Send documentation into NHDOT with Official **request to enter into Scope and Fee negotiations** with the #1 ranked firm

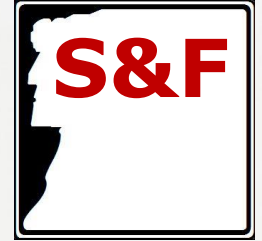




Document and Submit Request

Once NHDOT reviews and approves the Sponsor's official request, the Sponsor will receive a Notice to Proceed (NTP) to begin Scope and Fee negotiations with the #1 ranked firm

Consultant Selection

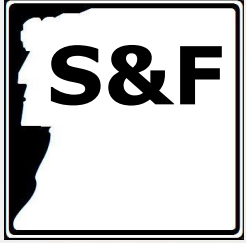


Second Step:

1) Qualification Based Selection ✓
(QBS)

2) Scope and Fee



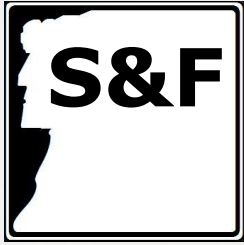


Scope and Fee

Prior to Beginning

- Consultant selected thru QBS ✓
- "**Received Authorization to Start**"
Scope and Fee negotiations from
NHDOT ✓

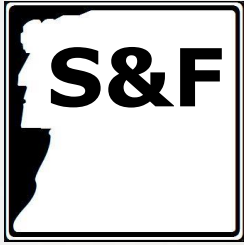
or "RATS" work is ineligible!!



8 Scope and Fee Steps



- 1) Know the rules
- 2) Develop written scope of work
- 3) NHDOT reviews scope
(optional)
- 4) Consultant develops blank task
matrix



8 Scope and Fee Steps

Independent Government Cost Estimate

Actual/Current Data	Day 1	Day 2	Day 3	Day 4	Day 5
Initial Salary	1	1	1	1	1
Independent Salary	1	1	1	1	1
Independent Assessment	1	1	1	1	1
Agency Physical Safety	1	1	1	1	1
Management	1	1	1	1	1
Totals	14.5	14.5	14.5	14.5	14.5

Job classifications:
Industrial 1-SE, 2-SE, 2-OM, 1-SE Lead
Initial Account 4-5 S&FBA Engineers
Agency P/I 2-S&FBA Engineers
Agency I/O 4-S&FBA Engineers
Mgt 1
Contract Support 2-SE, 4-S&FBA Eng., 4-GE, 5-OAS

5) Sponsor develops IGE –
Independent Government Estimate



6) Negotiation



7) Document and submit request



8) Execute contract



Step #1 - Know the Rules

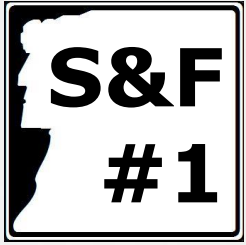
FHWA 7/20/2011 Memorandum



- "Updated Engineering and Design Related Services Guidance" document
- Q&A document to help clarify the Federal requirements and policies associated with consultant services on Federal projects

See LPA Manual Appendix #9

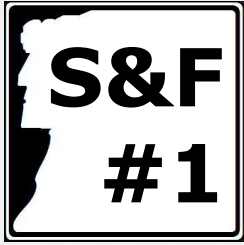
Section #14



Know the Rules

Labor Rates

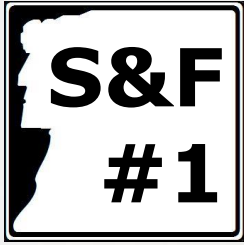
- Direct Labor Rates are capped at \$60.00 per hour (NHDOT Policy)
- Indirect Labor Rates (overhead) must be preapproved by NHDOT
- Indirect Labor Rates can be fixed for the life of a multi year contract



Know the Rules

Fixed Fee (Profit)

- Fixed Fee % can be negotiated
 - 10% max fee on "Cost Plus Fixed Fee Contract"
 - 15% max fee on "Lump Sum Contract"
- "Fixed Fee" means fixed amount
(not a percentage of labor)



Know the Rules

Direct Expenses & Subs

- Clearly define all direct expenses (mileage, copies, bid advertise, etc...)
- Mileage rate needs to agree with current Federal rate (ask your NHDOT PM)
- Subconsultants can be listed as a line item up to \$10,000
- Each Sub over \$10K, then provide direct labor rates, indirect labor rate, and fixed fee for each

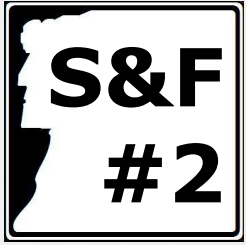


Step #2 - Develop Written Scope

Scope By Phase

- PE and ROW services shall be written out by the consultant and reviewed by Sponsor
- *Construction Engineering (CE) services can be described but too early in process to procure CE services*





Develop Written Scope

Follow Major Milestones

- Example: Design has 4 major milestones
 - 1) Engineering Study
 - 2) Preliminary Design
 - 3) Final Design / PS&E (plans, specifications, and estimate)
 - 4) Bid Phase Services
- Written scope shall follow milestones
- Scope shall also provide a schedule



Step #3 - NHDOT Review **of Scope**

Optional but recommended

The NHDOT can review draft written scope of work (without hours or fee) for completeness



Can be helpful to identify missing tasks such as potential subconsultants needed for specialty work (historic or archeological for example)



Step #4 - Blank Task Matrix

Bunches of Spreadsheets

- Consultant takes written scope and converts into a Task Matrix Spreadsheet
- Scope tasks are listed in the rows
- Labor types are list in the columns (Project Manager, Technician, etc...)
- **Hours and Profit remain blank – not included yet**

An accessibility matrix table with a grid of 12 rows and 8 columns. The columns are labeled: Computer monitor, Colorblind palette on monitor, Screen reader, Speakers, Printer, Braille embosser, Haptic device, and Plotter printer. The rows are labeled: Keyboard, mouse, keyboard with mouse, 3d mouse, joystick, game controller, microphone / voice, touch screen, webcam, eye tracker, laser range finder, and a final empty row. The table is titled 'Accessibility matrix' in the top right corner.

	Computer monitor	Colorblind palette on monitor	Screen reader	Speakers	Printer	Braille embosser	Haptic device	Plotter printer
Keyboard								
mouse								
keyboard with mouse								
3d mouse								
joystick								
game controller								
microphone / voice								
touch screen								
webcam								
eye tracker								
laser range finder								

See handout for example matrix



Step #5 - Independent Government Estimate

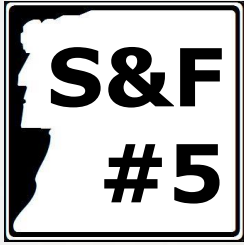
What is an IGE?

- Blank Task Matrix **filled in by LPA** (staff or qualified volunteers)
- LPA **independently** estimates hours, % Profit, and total cost
- Consultant Provides:
 - Direct Expenses (mileage, etc...)
 - Indirect Expenses (overhead rate)
 - Sub-Consultant costs

Independent Government Cost Estimate

S&F Contract Government Estimate						
Activity/Current Status	Start	End	Year 2	Year 3	Year 4	Year 5
Range Safety Support	0	0	0	0	0	0
LSP Safety	8	8	8	8	8	8
Industrial Safety	8	8	8	8	8	8
Independent Assessment	4.5	4.5	4.5	4.5	4.5	4.5
Agency Payroll Safety	1.5	1.5	1.5	1.5	1.5	2
Management	.8	.8	.8	.8	.8	1
Totals	34.5	34.5	34.5	34.5	34.5	34.5

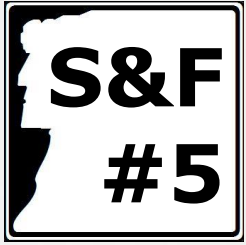
Job classifications:
Industrial 1-SE, 3-SS, 2-QM, 1-SE Lead
Ind Assmt 4-S&MA Engineers
Agency P/L 2-S&MA Engineer
Agency RS 4-S&MA Engineer
Mgt 1
Contract Support 2-SE, 4-S&MA Eng, 6-QE, 5-QAS



Independent Government Estimate (IGE)

Why?

- LPA needs to have a good level of understanding of the tasks
- Check and balance system to make sure the estimate is reasonable
- It's required
- **IGEs are also required later in the process, if contract amendments are needed**



Independent Government Estimate (IGE)

You can do it!

- It's an estimate – IGEs don't have to be perfect
- Hidden Resources – road agent, DPW, planners, selectmen, retired engineers can help, NHDOT can help too
- Just do it! thinking about it is more stressful than doing it

**See handout for example IGE
spreadsheet**

Section #14



Step #6 - Negotiation

- LPA's Task Matrix is Complete ✓
- Consultant's Task Matrix is Complete ✓

LPA and Consultant then:

- Share and review information
- Discuss tasks that vary significantly
- Come to a compromise and agree on final scope and fee
- **If no compromise, then request NHDOT to allow S&F process to begin with #2 ranked firm from QBS process (can't go back to #1)**





Step #7 - Document and Submit Request



- Document the Process
 - Initial draft written scope
 - Sponsor's IGE (filled in matrix)
 - Initial consultant fee proposal matrix
 - Description of negotiations
 - Final negotiated scope and fee
 - Draft contract with terms/conditions
- Send labeled documentation into NHDOT with official **request to enter into a contract** with consultant



Document and Submit Request

- NHDOT will review process and if appropriate, issue a letter approving scope & fee for recommended consultant
- Approval letter will list the dollar amount the LPA is approved to spend
- Any work done outside the approved scope or over the amount approved will not be reimbursed



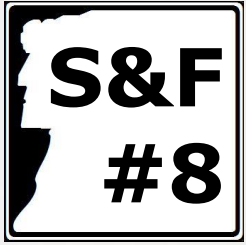
Step #8 - Execute Contract

Include Employee Roster with:

- Employee Names
- Labor Class (Project Engineer 1, ...)
- Direct Labor Rate (\$/hour)



Major changes to roster must be approved by NHDOT

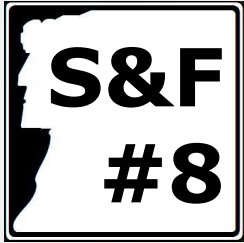


Execute Contract

Also Include:

- Requirements pertaining to indemnification and insurance limits
- Ownership of plans and other documentation prepared by consultants

Documents that have been prepared for federally funded projects become the property of the Sponsor, NHDOT and FHWA



Execute Contract

Signed Copy

- Provide NHDOT a copy of the signed executed contract
- Preferably both PDF and hard copy

Remember - changes to the contract must be preapproved in writing by NHDOT or RATS the work will be ineligible for reimbursement!

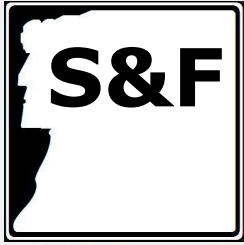


QBS Re-Cap:

5 QBS Steps

- 1) Know the rules
- 2) Advertise RFQ – Request for Qualifications
- 3) Review and rank SOQ's (Statements of Qualifications)
- 4) Interview 3 to 5 firms (optional)
- 5) Document QBS process and request NHDOT approval

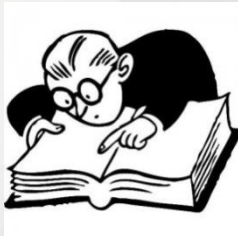
Section #13

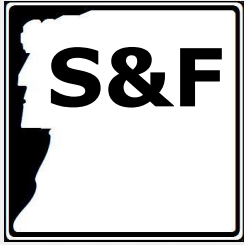


8 Scope and Fee Steps

Scope & Fee Re-Cap:

- 1) Know the rules
- 2) Develop written scope of work
- 3) NHDOT reviews scope
(optional)
- 4) Consultant develops blank task
matrix

A screenshot of an accessibility matrix table. The table has columns for 'Computer', 'Assistive', 'Software', 'Hardware', 'Input', 'Output', and 'Other'. The rows list various accessibility features like 'Keyboard', 'Mouse', 'Screen reader', etc., with checkboxes for each feature's status.



8 Scope and Fee Steps

Scope & Fee Re-Cap:

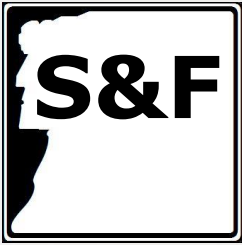
- 5) Sponsor develops IGE –
Independent Government Estimate
- 6) Negotiation
- 7) Document and submit request
- 8) Execute contract

Independent Government Cost Estimate
S&F Contract (Unrecovered Balance)

Activity/Current Status	Start	Est. 10	Est. 15	Est. 20	Est. 25	Est. 30
Design/Study/Support	0	0	0	0	0	0
LOP Safety	0	0	0	0	0	0
Technical Safety	0	0	0	0	0	0
Independent Assessment	4.5	4.5	4.5	4.5	4.5	4.5
Agency Program Safety	1.5	1.5	1.5	1.5	1.5	1.5
Management	0	0	0	0	0	0
Total	6.0	6.0	6.0	6.0	6.0	6.0

Job classifications:
Industrial 1-SE, 2-SE, 3-SE, 4-SE, 5-SE Lead
Ind. Assmt 4-SE/5-SE Engineers
Agency P/L 2-SE/3-SE Engineer
Agency Mgt 4-SE/5-SE Engineer
Mgt 1
Contract Support 2-SE, 4-SE/5-SE Eng., 6-SE, 7-SE

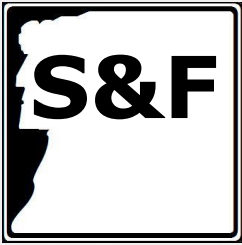




End of Scope & Fee

Project Status

- Project Agreement Executed ✓
- Consultant selected and approved ✓
- Scope and Fee approved ✓
- Received Notice to Proceed to begin Engineering Study ✓



Scope & Fee

Questions ?



Next Up:
Engineering Study